

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 8:13CR105
)	
vs.)	DEFENDANT'S MOTION FOR
)	EXTENSION OF TIME TO FILE
TIMOTHY DEFOGGI,)	POST-TRIAL MOTIONS
)	
Defendant.)	

Comes now Defendant by and through his undersigned attorney, and for his Motion for Extension of Time to File Post-Trial Motions, states:

1. At Defendant's request and upon the appearance, after trial, of successor counsel for Defendant, the Court has given Defendant 30 days past the filing of the trial transcript herein to file Defendant's post-trial motions. Defendant has calculated this to be until November 7, 2014.

2. In spite of diligent effort, Defendant's attorney will not be able to complete Defendant's post-trial motions by November 7, 2014. The amount of material to be reviewed is voluminous; the issues are sophisticated and complex; Defendant has been delayed receiving materials in this case from Defendant's last prior counsel, including materials regarding the issue raised prior to trial concerning classified information (regarding which Defendant's attorney has determined today in a conversation with prior defense counsel, that Defendant's current attorney must file a further motion seeking release of information from the Court or prior counsel because Defendant's prior counsel will not release said information to successor counsel, the issue being unresolved of whether or not the letter at issue, reportedly given by prior defense counsel to the Court and the Government, contains classified information); and Defendant's attorney was also delayed in working on the case at bar by extensive work regarding a just-completed 38-page brief, involving a number of complex issues concerning post-trial motions in a matter in the

United States District Court for the Northern District of Iowa, the deadline for which expired prior to the deadline at bar.

3. Sentencing herein is scheduled for December 15, 2014. Granting this requested extension of time for Defendant to file his post-trial motions is not anticipated to delay further proceedings herein.

4. Given the volume and nature of the issues herein, and the difficulty experienced by successor counsel in obtaining materials to prepare Defendant's post-trial motions, Defendant respectfully submits that denying this requested extension would unduly prejudice Defendant, whereas granting the request would not prejudice the Government.

5. Defendant has contacted Assistant United States Attorney Michael P. Norris regarding this requested extension. Defendant's attorney understands that the Government does not oppose this extension.

6. Defendant needs an extension to and including November 24, 2014, to submit Defendant's post-trial motions. Defendant understands this to be an extension of just over two weeks, including two weekends, which will significantly assist Defendant.

Wherefore, Defendant respectfully requests the Court to grant Defendant an extension of time to and including November 24, 2014, to file Defendant's post-trial motions.

TIMOTHY DEFOGGI, Defendant

By: s/Stuart J. Dornan
STUART J. DORNAN, #A0011658
Dornan, Lustgarten & Troia, PC, LLC
1403 Farnam Street, Suite 232
Omaha, Nebraska 68102
Tel: 402.884.7044
Fax: 402.881.7045
stu@dltlawyers.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2014, I electronically filed the foregoing document with the Clerk of the District Court using the CM/ECF system which sent notification of such filing to the following:

Michael P. Norris, Assistant United States Attorney

and I hereby certify that I have electronically served (via email) a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below:

N/A

By: s/Stuart J. Dornan
STUART J. DORNAN, #A0011658
Attorney for Defendant